FARAD CONTINUATION SHEET NO.
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2923 OF 2006

1) Rajesh Keshavrao Bhosale
2) Ganesh Keshavrao Bhosale ..Applicants
Versus
The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

---

Mr.R.B.Thakare for the applicants.

Mr.K.V.Saste APP for the State.

Coram : R.S.Mohite,J

Date : 10.08.2006.

PC

1. This is an application for grant of anticipatory bail. The applicants are shown as accused in C.R.No.175/2006 registered by the Gamdevi police station for alleged offences under Sections 365, 342, 323, 504, 506-II r/w 34 of IPC. Out of these offences only offence under Sections 365 and 506-II are non bailable. On perusing the complaint it appears that grievance of the Complainant is that he was assaulted in the presence of his friend by name Narendra by these applicants who

are the sons of one Keshavrao. The Complainant was initially in the National Congress party but he left National Congress party and joined Shivsena because he did not get any position and therefore, father of the Complainant was up-set. The Complainant states in his statement that in the assault he suffered bleeding injuries on his lips. Medical certificate does not indicate any such injuries. Admittedly his friend Narendra has not identified the present applicants by name. There is an allegation of threat to kill the Complainant and his son in case the Complainant went to Gamdevi police station to report the said incident. It is not particularly mentioned in the FIR as to who gave this threat. The father has already been granted anticipatory bail by this Court. Anticipatory bail has been refused to the present applicants because there are overtacts alleged against them. Those overtacts would come under Section 323 of

IPC which is bailable in nature. As far as non bailable offence of kidnapping, it appears that there is no case made out of the offence within the meaning of Section 365 of IPC. What is mentioned in the FIR is after the incident in which the complainant suffered simple injury, he was taken in the vehicle to Marine lines railway station from where he was made to catch the train to Mira road where he resides. In my view, this cannot amount to kidnapping or abducting. There is no allegation of secrecy involved in putting the complainant in a railway train. In my view, taking into account the aforesaid facts and also the background of this case, this is a case where investigation can be completed without custodial interrogation. APP contends that identification parade will have to be held. For this purpose the applicants will report to the I.O. whenever they are called upon to do so in writing. It is therefore directed that in the event of

their arrest in connection with C.R.No.175/2006 registered by the Gamdevi police station, the applicants may be released on bail in the sum of Rs.10,000/- each with one surety each in the like amount subject to the condition that they will report to the I.O. once a week on every Monday between 5.00 P.M. to 7.00 P.M. till the filing of the chargesheet and thereafter once a month till the conclusion of the trial.

2. Since the co-accused Keshav Bhosale who is the father of the present applicants is also permitted to furnish provisional cash bail, it is directed that the present applicants are also permitted to furnish provisional cash bail in the sum of Rs.10,000/- each for a period of 2 weeks only. Application stands disposed off.

(R.S.Mohite,J)